

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA

V.

AMENDED JUDGMENT IN A CRIMINAL CASE
(For **Revocation** of Probation or Supervised Release)
(For Offenses Committed On or After November 1, 1987)

Danny Charles Wilburn, Sr.

Case Number: 3:00CR235-1
USM Number: 16484-058

Julia G. Mimms
Defendant's Attorney

THE DEFENDANT:

X admitted guilt to violation of condition(s) of the term of supervision.
— Was found in violation of condition(s) count(s) ____ After denial of guilt.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following violations(s):

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Concluded</u>
1	Drug/Alcohol Use	5/20/05
2	Failure to Comply with Drug Testing/Treatment Requirements	5/23/05
3	Other	5/25/05
4	Failure to Report Change in Employment	5/25/05

The Defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

— The Defendant has not violated condition(s) ____ And is discharged as such to such violation(s) condition.

IT IS ORDERED that the Defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.:

Defendant's Date of Birth:

Defendant's Mailing Address:

Date of Imposition of Sentence: August 24, 2005


Signature of Judicial Officer

Graham C. Mullen
Chief Judge

Date: NOV 15 2005

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Six (6) months.

 The Court makes the following recommendations to the Bureau of Prisons:

 X The Defendant is remanded to the custody of the United States Marshal.

 The Defendant shall surrender to the United States Marshal for this District:

 as notified by the United States Marshal.

 At a.m. / p.m. on .

 The Defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

 As notified by the United States Marshal.

 Before 2 p.m. on .

 As notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this Judgment.

United States Marshal

By: _____
Deputy Marshal

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Judgment-Page 3 of 4**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$200.00	\$0.00	\$120.00
		Total outstanding balance of Restitution due and remains in effect

FINE

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

X The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

X The interest requirement is waived.

— The interest requirement is modified as follows:

COURT APPOINTED COUNSEL FEES

— The defendant shall pay court appointed counsel fees.

— The defendant shall pay \$_____ Towards court appointed fees.

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RESTITUTION PAYEES

The defendant shall make restitution to the following payees in the amounts listed below:

<u>NAME OF PAYEE</u>	<u>AMOUNT OF RESTITUTION ORDERED</u>
Little Rock Deli	\$20.00
Circle K Store #8357	\$20.00
Winn-Dixie	\$20.00
Family Dollar	\$20.00
Dollar General	\$40.00

- The defendant is jointly and severally liable with co-defendants for the total amount of restitution.
- Any payment not in full shall be divided proportionately among victims.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A X Lump sum payment of \$ ____ Due immediately, balance due
- ____ Not later than ____, or
- ____ In accordance ____ (C), ____ (D) below; or
- B ____ Payment to begin immediately (may be combined with ____ (C), ____ (D) below); or
- C ____ Payment in equal _____ (E.g. weekly, monthly, quarterly) installments of \$ ____ To
 commence _____ (E.g. 30 or 60 days) after the date of this judgment; or
- D ____ Payment in equal _____ (E.g. weekly, monthly, quarterly) installments of \$ ____ To
 commence _____ (E.g. 30 or 60 days) after release from imprisonment to a term of
 supervision. In the event the entire amount of criminal monetary penalties imposed is not paid
 prior to the commencement of supervision, the U.S. Probation Officer shall pursue collection of
 the amount due, and may request the court to establish or modify a payment schedule if
 appropriate 18 U.S.C. § 3572.

Special instructions regarding the payment of criminal monetary penalties:

- ____ The defendant shall pay the cost of prosecution.
- ____ The defendant shall pay the following court costs:
- ____ The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States District Court Clerk, 401 West Trade Street, Room 210, Charlotte, NC 28202, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. All criminal monetary penalty payments are to be made as directed by the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.